

April 27, 2009

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2009 APR 28 AM 11:14

Petition for Summons for Defendant on Pretrial Release

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Name of Defendant: Robert Davis (English)

Dkt No. 08CR4292-JAH DEPUTY

Reg. No.: 11659-298

Name of Judicial Officer: The Honorable John A. Houston, U.S. District Judge

Date Conditions Ordered: 11/13/2008, before the Honorable Nita Stormes, U.S. Magistrate Judge

Charged Offense: 21 U.S.C. 952 and 960-Unlawful Importation of Controlled Substance (Marijuana)

Conditions of Release: Restrict travel to Central and Southern Districts of California; do not enter Mexico; report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court; not possess or use any narcotic drug or other controlled substance as defined in 21 U.S.C. § 802, without a lawful medical prescription; not possess any firearm or other dangerous weapon or explosive device; read, or have explained, and acknowledge understanding of the Advice of Penalties and Sanctions Forms; Provide the court a current residence address and telephone number prior to release from custody and keep it current while the case is pending; submit to treatment, and/or testing, as specified by the Pretrial Services Officer for drug or alcohol abuse.

Modification: On March 24, 2009, the defendant's travel was modified to the continental United States for work purposes only and the defendant's drug testing condition allows him to use the "sweat patch" drug testing process in place of the standard testing procedures.

Date Released on Bond: November 24, 2008

Next Court Hearing: May 18, 2009, at 10:30 a.m. for Sentencing

Asst. U.S. Atty.: Seth Askins
(619) 619-557-6342

Defense Counsel: Nancy Rosenfeld (Appointed)
(619) 619-234-3616

Prior Violation History: The defendant admitted to Pretrial Services to during his initial office visit to using methamphetamine on November 24, 2008, when he was released from custody. The undersigned wrote a violation letter to Judge Nita Stormes on December 9, 2008, requesting no action. Judge Stormes ordered if the defendant submitted a positive test she wants the defendant to be cited into court.

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Page 2**PETITIONING THE COURT****TO SUMMON THE DEFENDANT TO APPEAR IN COURT AND ADDRESS THE ALLEGATIONS**

The Pretrial Services officer believes that the defendant has violated the following condition(s) of pretrial release:

<u>CONDITION(S)</u>	<u>ALLEGATION(S) OF NONCOMPLIANCE</u>
(Standard Condition) Not possess or use any narcotic drug or other controlled substance as defined in 21 USC 802, without a lawful medical prescription.	<ol style="list-style-type: none"> 1. On November 26, 2008, the defendant submitted a urine sample which confirmed positive for methamphetamine. 2. On March 30, 2009, the defendant submitted a sweat patch sample to the U.S. Pretrial Services in the Central District of California-Riverside; which confirmed positive for amphetamine/methamphetamine.

Grounds for Revocation:

On November 26, 2008, the defendant admitted to using methamphetamine and provided a urine sample which confirmed positive for amphetamine/methamphetamine. I have received and reviewed a written laboratory notification from the U.S. Pretrial Services Laboratory which verifies the urine specimen provided by the defendant in our office confirmed positive for methamphetamine.

On March 30, 2009, a sweat patch was placed on the defendant in the Central District of California-Riverside. On April 6, 2009, this sweat patch was removed from the defendant and it subsequently tested positive for amphetamine/methamphetamine. On April 20, 2009, the undersigned consulted with our lab personnel and reviewed the written documents which verify the sweat patch Mr. Davis provided was positive for methamphetamine. On April 21, 2009, the undersigned questioned the defendant regarding his positive test. Mr. Davis states he has not used any controlled substance since November 2008, and the defendant has no explanation for the positive sweat patch.

SUPERVISION ADJUSTMENT

Mr. Davis started supervision on November 24, 2008, since that date he has reported to Pretrial Services in the Central District of California-Riverside. Since that date he has submitted two positive urine tests on two separate occasions for amphetamine/methamphetamine.

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Criminal computerized record checks reveal no criminal history.

RECOMMENDATION/JUSTIFICATION

Mr. Davis is a forty-seven (47) year old United States citizen who is currently employed as a truck driver. Our office has concerns as the defendant provided two urine samples for methamphetamine while on bond and is denying any recent use. Given this information our office recommends the court cite the defendant to appear for an Order to Show Cause Hearing and he be ordered to show cause why his pretrial release should not be revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 4/27/2009.

Respectfully submitted:
LORI A. GAROFALO
CHIEF PRETRIAL SERVICES OFFICER

by Monique R. Arthur
Monique R. Arthur
U.S. Pretrial Services Officer
(619) 446-3729
Place: San Diego, California

Reviewed and approved:


Jeff Larsen
Supervising U.S. Pretrial Services Officer
(619) 557-5290
Place: San Diego, California

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THE COURT ORDERS:

AGREE, cite the defendant to appear on either May 4, 2009, for an Order to Show Cause Hearing.

Other _____


The Honorable John A. Houston
U.S. District Judge

4-27-09

Date